

REMARKS

The Office Action dated December 24, 2003 has been received and carefully noted. The above amendments to the abstract and the following remarks are submitted as a full and complete response thereto. No new matter has been entered. Claims 20-33 are pending in the present application and are again submitted for consideration.

Claims 20-33 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,104,696 to *Kadambi et al.* In response, Applicants have included herewith a terminal disclaimer in compliance with 37 C.F.R. §1.321(c), disclaiming the terminal part of any patent granted on the instant application that which extend beyond the expiration date of *Kadambi et al.* Based on the terminal disclaimer, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection.

Additionally, claims 20-33 were rejected under 35 U.S.C. §102(e) as being anticipated by *Fite, Jr. et al.* (U.S. Patent No. 6,496,502). The above rejection is respectfully traversed according to the remarks that follow.

Applicants respectfully assert that *Fite, Jr. et al.* cannot be applied as prior art with respect to the instant application. The instant application is a continuation application of the parent application, issued as U.S. Patent No. 6,104,696 (*Kadambi et al.*), on August 15, 2000, where that application claimed priority of United States Provisional Patent Applications Serial Nos. 60/092,220, filed on July 8, 1998, and 60/095,972, filed on August 10, 1998.

Also included with this Response, Applicants have provided a Declaration under 37 C.F.R. §1.131 that asserts that the instant invention, which is fully supported by the above-cited provisional applications, was invented prior to June 29, 1998. The Declaration is supported by evidence of the meeting discussed in the Declaration, where that evidence is notes taken during that meeting and the Declaration asserts the invention disclosed in the provisional applications was invented prior to June 29, 1998. Given the disclosure of the Declaration, Applicants respectfully assert that the date of invention of the instant application is prior to June 29, 1998.

The filing date of the *Fite, Jr. et al.* reference is June 29, 1998, which is later than date of invention of the instant application. As such, Applicants respectfully assert that *Fite, Jr. et al.* cannot be applied as prior art against the instant application and the rejection is therefore improper. Reconsideration and withdrawal of the above rejection are respectfully requested.

In view of the above, Applicants respectfully request that claims 20-33 be allowed and that this application passed to issue. If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

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In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



Kevin F. Turner
Registration No. 43,437

Customer No. 32294
SQUIRE, SANDERS & DEMPSEY LLP
14TH Floor
8000 Towers Crescent Drive
Tysons Corner, Virginia 22182-2700
Telephone: 703-720-7800
Fax: 703-720-7802

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Enclosures: Declaration under 37 C.F.R. §1.131
Terminal Disclaimer
Substitute Abstract